IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 18767 OF 2007(H)

PETITIONER:
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1. K.N.SIVANANDAN, P.S.BHAVAN,
PARAVUR, PUNNAPRA P.O.

2. A.N.GOPAKUMARA PANICKER, MIDHILA,
PUNNAPRA P.O., ALAPPUZHA.

3. N.N.NAIR, SANGAMOM, PAZHAVEEDU P.O.,
ALAPPUZHA.

4. ANIL KUMAR .K., KALLUPARAMBU,
PUNNAPRA P.O., ALAPPUZHA.

5. JOSY JOSEPH, THAIPPARAMBIL HOUSE,
THATHAMPALLY P.O., ALAPPUZHA.

6. MAYA SUDHAKAR, CHIRAYIL, PUNNAPRA P.O.,
ALAPPUZHA.

7. PRASANNA.S., PUTHUVEEDU, KOTTEMURI,
THRIKKUNNAPUZHA.

8. S.VISWANATHAN, GOWRISADANAM,
PAZHAVEEDU, ALAPPUZHA.

9. LALPASANDH BHAI, SHREENILAYAM,
PUNNAPRA, ALAPPUZHA.

10. USHA VENUGOPAL, MAMPALAYIL, KAROOR,
AMBALAPUZHA.

11. MICHAEL P.JOHN, PUTHANPURAKKAL,
PUNNAPRA, ALAPPUZHA.

12. P.MUKUNDAN, MANAKKATHARAYIL,
PALLURUTHY, PAZHAVEEDU P.O., ALAPPUZHA.

13. LALY, CHANTHUVINTE THARAYIL,
PALLANA P.O., THEIKKUNNAPURA, ALAPPUZHA

14. SREEKUMAR, PULIMPARAMBU HOUSE,
KAITHAVANA, ALAPPUZHA.

15. V.C.BHARATHAN PILLAI, THEKKE MORAKKAL,
KARALAKOM WARD, THATHAMPILLY, ALAPPUZHA.

16. MOHAN PILLAI P., MONI NIVAS,
VANDANAM P.O., ALAPPUZHA-5.

17. SANTHOSH KUMAR, PUTHENPARAMBU,
THIRUVAMPADY, ALAPPUZHA.

18. K.K.SHAJI, POKKATHUVELIYIL,
SHINE NIVAS, VADAKKAL, ALAPPUZHA.

19. AJAYA KUMAR, KRISHNA VILAS,
KAKKAZHAM, ALAPPUZHA.

20. JAYACHANDRAN.P., MANGALASSERY,
ERIKKAVU P.O., KARTHIKAPPALLY.

21. S.N.D.P BRANCH NO.363 NIKSHEPKA
SANGHATAKA SAMITHY REPRESENTED BY PETITIONERS
1 TO 20 AND REGISTERED AS A.222/07, NEERKUNNAM,
KAKKAZHAM, ALAPPUZHA DIST.

BY ADV. SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR

RESPONDENTS:
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1. DISTRICT COLLECTOR, ALAPPUZHA.

2. SUPERINTENDENT OF POLICE,
ALAPPUZHA DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
AMBALAPUZHA, ALAPPUZHA DISTRICT.

4. THE CIRCLE INSPECTOR OF POLICE,
PULINKUNNU, AMBALAPPUZHA, ALAUNNU,
AMBALAPPUZHA, ALAPPUZHA DISTRICT.

5. THE S.N.D.P. YOGAM, REPRESENTED BY
ITS GENERAL SECRETARY. QUILON, KOLLAM.

6. S.N.D.P. SAKHA YOGAM, KAKKAZHOM,
REPRESENTED BY ITS SECRETARY K.BHASKARAN,
S/O.RAGHAVAN, AGED 57, S.N.D.P. YOGAM BRANCH
NO.363 RESIDING AT ANAVELIL, NEERKUNNAM,
ALAPPUZHA.

7. P.G.BABU, S/O.GANGADHARAN, AGED 51 YEARS
PRESIDENT, S.N.D.P. YOGAM BRANCH NO.363,
KAKKAZHAM, NEERKUNNAM RESIDING AT THAYANKARI,
KAKKAZHAM, AMBALAPUZHA, ALAPPUZHA DISTRICT.

BY ADV. SRI.A.T.ANILKUMAR
SRI.A.N.RAJAN BABU, SC, S.N.TRUST

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 18767 OF 2007

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DATED THIS, THE 2ND DAY OF JULY, 2007.

J U D G M E N T

Raman, J.

Petitioners are 21 in number. The 21st petitioner is, however, the S.N.D.P. Branch No. 363, Nikshepka Sanghataka Samithy, and the others are individuals. It is alleged that respondents 5 to 7 were receiving huge amounts of money by way of deposit or loans from public including the petitioners promising to pay huge amount of interest. But later, it came into light that proper license was not taken for the conduct of banking transaction. Petitioners 1 to 20 are stated to be representatives of those depositors and a society is formed for such purpose of securing the interest of the depositors. The 6th respondent Sakha Yogam was functioning under the S.N.D.P. Yogam and respondents 6 and 7 were functioning as per the rules and regulations framed by the 5th respondent itself. It is their case that subsequent to January, 2007, the faith in them t which the public had lost as no positive steps were taken to bring the culprits to book. It is admitted that a writ petition as W.P.(C) 11246/2007 was filed before this Court by one Babu and Bhaskaran who are Respondents 6 and 7 seeking

police protection. Ext.P2 is the copy of the judgment rendered in the said writ petition wherein noticed that the there are several criminal cases pending investigation and the petitioners therein namely, Respondents 6 and 7 herein were released on bail. However, persons who were not prepared to receive money were causing threat to them as well as their family members. It was on such allegation that the writ petition was filed for police protection. Eventually, a direction was issued to the police authorities to maintain law and order and to see that the lives of the petitioner and his family members are not endangered and to take necessary action in case the complaint made by the petitioner is found to be true.

2. It is the case of the petitioners that in order to amicably settle the disputes and to receive the due amounts from respondents 6 and 7 an agreement was reached, a copy of which is produced as Ext.P8, which entitle the petitioners and other members to visit the Sangham Office to oversee the transaction and the disbursal of the amount so as to inspire confidence in the minds of the petitioners who are the depositors, that respondents are doing the business properly and that no manipulations are made in the accounts.

3. Pursuant to the notice issued, respondents entered appearance. On behalf of the 5th respondent, a counter affidavit is filed. It is denied by the 5th respondent that they were receiving huge amount of money by way of deposit/loans. According to them, the entire transactions were between Respondents 6 and 7 and the 5th respondent has nothing to do with the transaction. The same is recorded.

4. On behalf of Respondents 6 and 7 also, a counter affidavit is filed. They admitted that deposits have been received from the public including the petitioners. But all on a sudden when everybody sought to withdraw the amount, Respondents 6 and 7 had some difficulties in repayment of the amount at once. However, they are taking all efforts to repay the amounts. They also admitted that Ext.P8 agreement was reached between the parties and they have no objection in the petitioners' visiting the office for the purpose of implementation of the terms contained in Ext.P8.

5. In the course of the argument, it was agreed between the parties that Petitioners 1 to 5 representing the depositors will be permitted to visit the office of the 6th respondent for implementation of Ext.P8 agreement and police will not prevent them from making such visit, on every Saturday

After Noon for that purpose. However, they shall not cause any law and order situation and the police will interfere only if a situation is created for such interference.

The writ petition is accordingly, disposed of.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-